



PLANNING COMMISSION AGENDA

Wednesday, September 26, 2007

6:30 p.m. Regular Meeting

Council Chambers

First Floor, City Hall Wing

200 East Santa Clara Street
San José, California

Ash Kalra, Chair

Randi Kinman, Vice-Chair

Xavier Campos Lisa Jensen
Matt Kamkar Christopher Platten
Jim Zito

Joseph Horwedel, Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Ash Kalra** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of **Wednesday, September 26, 2007**. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers. If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the Audio-Visual Technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4a, not PD06-023.**

The procedure for this hearing is as follows:

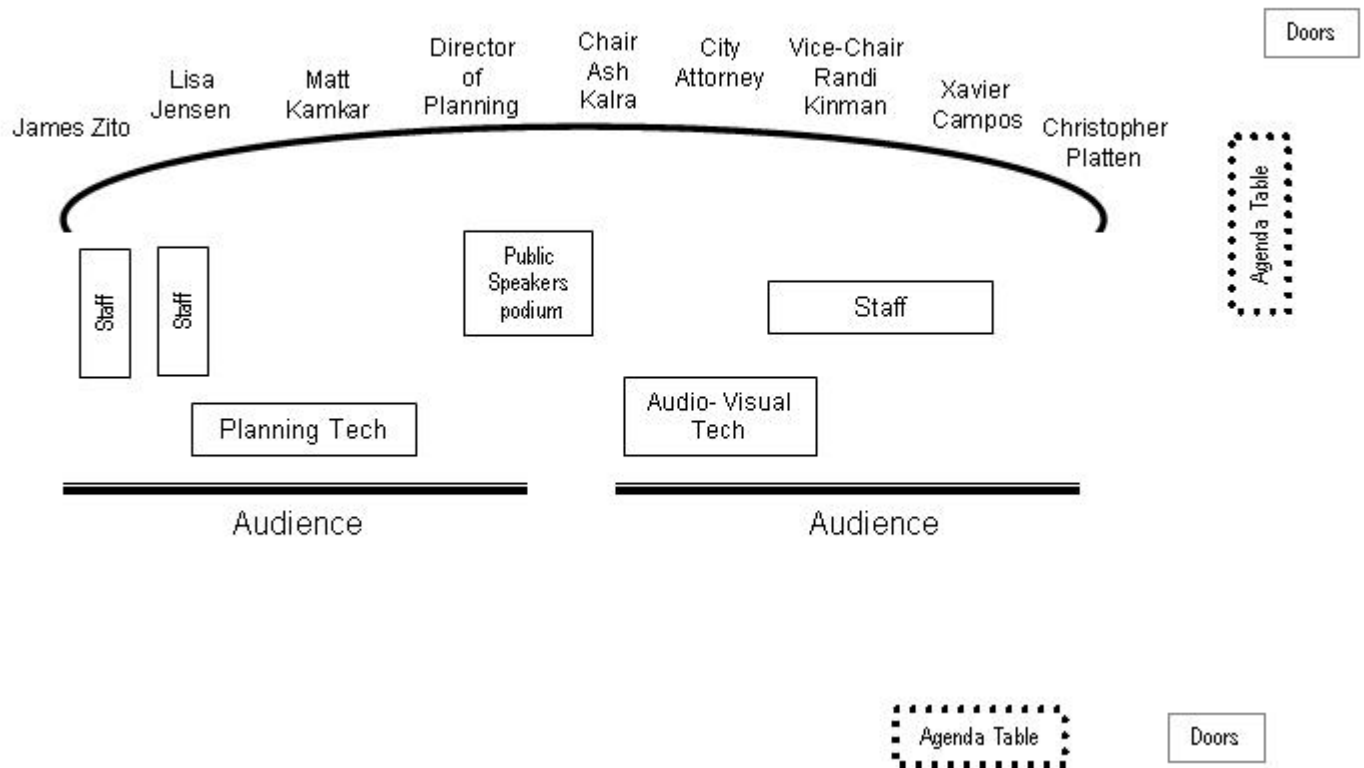
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Carmen Stanley at <mailto:carmen.stanley@sanjoseca.gov>

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San José Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at www.sanjoseca.gov/planning/hearings/planning_com.asp.

Audio for the Planning Commission hearings are recorded and broadcast live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website: http://sanjose.granicus.com/ViewPublisher.php?view_id=17#planningCommission.

If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. **ROLL CALL**

2. **DEFERRALS**

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

- a. Consideration of Planning Commission Agenda management and length of public hearing concerns and determination on whether to proceed with remaining agendized items past 11:00 p.m., continue this hearing to a later date certain, or defer remaining items to the next regularly scheduled Planning Commission meeting date. To be heard by the Planning Commission no later than 11:00 p.m.
- b. **CP06-070**. Conditional Use Permit to allow off-sale of alcohol in a previously approved commercial building on a 1.65 gross acres site in the CP Pedestrian Commercial Zoning District, located on the southeast corner of South De Anza Boulevard and Bollinger Road (966 S DE ANZA BLVD) (Yamanaka George J And Kuniko, Owner; Hunter/Storm, LLC Deke Hunter, Developer). Council District: 1. SNI: None. CEQA: Exempt.

Staff Recommendation:

Defer to 10-10-07

- c. The projects being considered are located on the west end of Harris Avenue, approximately 400 feet west of Pauline Drive (1991 HARRIS AV), in the R-M Multiple Residence Zoning District (SANJIDEH MERDAD AND GENEVA, Owner). Council District 9. SNI: None. CEQA: Exempt.
 - 1) **CP07-028**. Conditional Use Permit to allow conversion of an existing apartment building to a 16 units residential condominium complex on a 1.12 gross acres site.
 - 2) **T07-024**. Tentative Map to combine 3 parcels into 1 lot for 16 residential condominium units conversion on a 1.12 gross acres site.

Staff Recommendation:

Defer to 10-10-07

- d. **CP06-060**. Conditional Use Permit to allow expansion of the previously approved permit conditions regarding business operation after midnight, construction of an interior wall to separate the restaurant from the nightclub to allow patrons under the age of 21 years, and to permit an off-site parking arrangement where patrons would utilize the VTA parking lot at 3390 Monterey Highway. The proposal is for the existing Fiesta Restaurant & Nightclub on a 2.16 gross acres site in the CN Neighborhood Commercial Zoning District, located on the northeast corner Monterey Road and Rancho Drive (3844 MONTEREY RD)(Noghrey Jamshid and Martha E, Owner). Council District 7. SNI: None. CEQA: Exempt. Deferred from 9-12-07

Staff Recommendation:

Defer to 10-10-07

3. **CONSENT CALENDAR**

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. **PDC06-005**. Planned Development Rezoning ([Plans](#)) from R-M Residential District to A(PD) Residential District to demolish the existing residential project and to allow 45 attached single-family units (four stories over a podium garage) on a 0.90 gross acre site, located on the north side of Bark Lane approximately 150 feet west of Weyburn Lane (7201 BARK LN) (Lee Lily Fu And Jason C, Owner). Council District 1. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a Rezoning from the R-M Residential Zoning District to the A(PD) Planned Development District as recommended by Staff.

- b. **CP07-029**. Conditional Use Permit ([Plans](#)) to allow an off-site parking arrangement on a stretch of abandoned U.P.P.R. right-of-way on a 0.54-acre site (COMCAST) in the HI Heavy Industrial Zoning District, located on the eastside of S. 10th Street, approximately 1,100 feet southwesterly of Needles Drive (DiNapoli DiNapoli & Mulcahy, owner(s)). Council District 7. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit to allow an off-site parking arrangement on a stretch of abandoned U.P.P.R. as recommended by Staff.

- c. [CP07-060](#). Conditional Use Permit ([Plans](#)) to allow continued use of existing wireless communication antennas on a 1.7 gross acres site. (GOODWILL) in the CP Pedestrian Commercial Zoning District, located on the northeast corner of Foxworthy Avenue and Almaden Expressway (3058 ALMADEN EX)(Goodwill Industries Scc Inc, Owner; Verizon Wireless Mike Groff, Developer). Council District 9. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit to allow continued use of existing wireless communication antennas as recommended by Staff.

- d. [CP07-026](#). Conditional Use Permit ([Plans](#)) to allow conversion of an existing hotel to a senior assisted living facility located on a 0.83 gross acre site in the CP Pedestrian Commercial Zoning District, located on South Bascom Avenue approximately 100 feet north of Shelley Avenue (3341 S BASCOM AV)(Bascom Hotel Llc, owner). Council District 9. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit to allow conversion of an existing hotel to a senior assisted living facility as recommended by Staff.

The following items are considered individually.

4. **PUBLIC HEARINGS**

NOTICE TO THE PUBLIC

Generally, the Public Hearing items are considered by the Planning Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes.

- a. The projects being considered are located at/on south side of Rose Ave, approximately 120 feet easterly of Nancy Lane (2925 FLORENCE AV), in the R-M Multiple Residence Zoning District (CAPITAL TOWNE HOUSE INC, Owner; CAPITAL TOWNE HOUSE, MR HERBERT SALAS, Developer). Council District: 5. SNI: East Valley/680 Communities. CEQA: Exempt.. Continued from 08/22/07. ([Supplemental Memo](#))
- 1) [CP07-016](#). Conditional Use Permit to allow conversion of an existing apartment building to 82-unit condominium complex on a 3.45 gross acre site.
- 2) [T07-009](#). Tentative Condominium Map Permit to reconfigure one parcel into 8 lots for 82-unit residential condominium purposes on a 3.45 gross acre site. ([Plans](#))

Staff Recommendation:

Approve a Conditional Use Permit and a Tentative Condominium Map Permit as recommended by Staff.

- b. An ordinance of the City of San José further extending the [Secondary Unit Pilot Program](#) until April 30, 2008, or until 100 secondary units have been considered under the Pilot Program, whichever occurs first; to revise the Pilot Program development parameters; and to further suspend the park in lieu requirements of Chapter 14.25 of Title 14 of the San José Municipal Code during the term of the Pilot Program. Exempt (File No. PP07-184).

Staff Recommendation:

Recommend to the City Council approval of an Ordinance of the City of San José Municipal Code as recommended by Staff.

- c. [H07-026](#). APPEAL of the Planning Director's decision to APPROVE a Site Development Permit to relocate an existing house on-site, add approximately 1,559 square feet and convert to a duplex, & demolish the existing detached garage and replace with new detached garage on a 0.17 gross acre site, in the R-M Multiple Residence Zoning District, located at 1405 McKendrie Street. (Filippin Family Trust, Owner.) Council District: 6. SNI: None. CEQA: Exempt. ([Plans](#))

Staff Recommendation:

Recommend approval of a Site Development Permit to relocate an existing house on site as recommended by Staff.

- d. [CP07-036](#). Conditional Use Permit to allow the replacement of the existing open bleacher seating at the north side of an existing athletic field with the construction of grandstand seating with weight and locker rooms beneath on a private high school campus (Archbishop Mitty High School) in the R-1-8 Single-Family Residence Zoning District, located on the southeast corner of Mitty Way and Doyle Road (5000 Mitty Way) (Roman Catholic Welfare Corp Of San José, Owner). Council District 1. SNI: None. CEQA: Exempt. ([Plans](#))

Staff Recommendation:

Approve a Conditional Use Permit to allow the replacement of the existing open bleacher seating as recommended by Staff.

- e. [C07-027](#). Conventional Rezoning from R-1-8 Single-Family Residence Zoning District to R-M Multiple Residence District on a 0.26 gross acre site, located on the south side of Blossom Hill Road, approximately 70 feet westerly of Hoffman Court (1250 BLOSSOM HILL RD) (Joseph Guerra, owner; Rockwell Homes, Inc. Joshua Lobue, developer). Council District 10. SNI: Hoffman/Via Monte. CEQA: Exempt. Deferred from 9/12/07.

Staff Recommendation:

Recommend to the City Council approval of a rezoning from R-1-8 Residence District to R-M Multiple Residence District as recommended by Staff.

- f. [PDC07-002](#). Planned Development Rezoning from the HI Heavy Industrial Zoning District to the A(PD) Planned Development Zoning District to allow up to 37 residential multiple dwelling units on a 0.713 gross acre site, located at/on the east side of South 3rd Street approximately 500 feet north of Keyes Street (1010 S 3RD ST) (Fernando C. Guevarra and Maria Guevarra, Owner; Long Nguyen, Developer). Council District: 3. SNI: Spartan/Keyes. CEQA: Draft Mitigated Negative Declaration. ([Plans](#))

Staff Recommendation:

Consider the Negative Declaration in accordance with CEQA. Recommend to the City Council approval of a Rezoning from the HI Heavy Industrial Zoning District to the A(PD) Planned Development Zoning District as recommended by Staff.

- g. All proposals are located in the North San Jose Policy area, and include parcels along both sides of Vista Montana west of North First Street and along the east side of North First Street, south of Headquarters Drive: Council District: 4. SNI: None. CEQA: Addendum to the Final Environmental Impact Report for the North San José Area Development Policies Update. ([Initial Study](#)) ([Staff Report Attachments](#)) ([NSJ Taskforce Work Program](#))
- 1) [PDC07-054](#). ([DRAFT Development Standards](#)) ([Plans](#)). Planned Development Rezoning from the (IP) Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 444 attached residential units on a 12.1 gross acre site, located at on the corner of Vista Montana and the west side of North First Street (APNs: 097-52-013 and 097-53-015) (Novellus Systems, Inc., Owner); and,
 - 2) [PDC07-055](#). ([DRAFT Development Standards](#)) ([Plans](#)). Planned Development Rezoning from the IP Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 554 attached residential units and a 1-acre park on a 8.7 gross acre site, located on the northwesterly corner of Vista Montana and West Tasman Drive (APNs: 097-52-028 and 097-52-029) (Sobrato Development Co. and Novellus Systems Inc., Owners); and,
 - 3) [H07-035](#). Master Site Development Permit for development of up to new additional 870,000 square feet of Industrial Park uses, including transfer of 290,000 square feet of floor area credits, on a 27 gross acre site, located at the southeast corner of North First Street and Headquarters Drive, (APNs 097-79-001, 097-79-002, 097-79-003, 097-79-009, 097-79-011, and 097-79-012) (Novellus Systems Inc., Owner); and, ([Plans](#)) ([Permit](#))
 - 4) [DA-Novellus](#). Development Agreement with Novellus for the area within the boundaries of applications PDC07-054, PDC07-055, and H07-035, to vest for 20 years Site Development Permit, H07-035, for development of up to 870,000 square feet of Industrial Park uses, including transfer of 290,000 square feet of floor area credits; to vest for 5 years Planned Development Zonings, PDC07-054 and PDC07-055, for development of up to 998 residential units and 6 acres of parkland; and to provide maintenance, for the duration of the Development Agreement, of 5 acres of the 6 acres of parkland to be provided.

Staff Recommendation:

Consider the Addendum to the EIR for the North San José Area Development Policies. Recommend to the City Council approval of a Planned Development Rezoning from the Industrial Park (IP) Zoning District to the A(PD) Planned Development Zoning District, approval of the Master Site Development Permit for development of up to 870,000 new additional square feet of Industrial Park uses, including transfer of 290,000 square feet of floor area credits, and approval of a Development Agreement with Novellus to vest for 20 years, as recommended by Staff.

5. **PETITIONS AND COMMUNICATIONS**

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
 - 1) Responding to statements made or questions posed by members of the public; or
 - 2) Requesting staff to report back on a matter at a subsequent meeting; or
 - 3) Directing staff to place the item on a future agenda.

6. **REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

7. **GOOD AND WELFARE**

- a. Report from City Council
- b. Commissioners' report from Committees:
 - 1) Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).
 - 2) Coyote Valley Specific Plan (Platten).
 - 3) Parks Funding Subcommittee (Zito).
 - 4) Envision San José 2040 General Plan Update Process (Kamkar).
- c. [Review of synopsis for 9/12/07.](#)
- d. Consider study session dates and/or topics.
- e. [Adopt 2008 Planning Commission Meeting Schedule.](#)
- f. [Review Draft Planning Commission Annual Report FY2006-07](#)

8. **ADJOURNMENT**

2007 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 31	6:30 p.m.	Regular Meeting	Council Chambers
Mon. February 12	6:30 p.m.	Regular Meeting	Council Chambers
February 28	6:30 p.m.	Regular Meeting	Council Chambers
March 14	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Coyote Valley Specific Plan EIR</i>	
March 14	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
March 28	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Meeting Procedures and Commission Role</i>	
March 28	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
April 11	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Early Public Outreach for General Plan Update</i>	
April 11	6:30 p.m.	Regular Meeting	Council Chambers
April 25	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Level of Service Policy</i>	
April 25	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
May 2	5:00 p.m.	<i>Study Session</i>	T-1654
		<i>Review Capital Improvement Program</i>	
May 2	6:30 p.m.	General Plan & Regular Meeting	Council Chambers
May 16	6:00 p.m.	<i>Study Session</i>	T-332
		<i>Sunshine Reform Task Force Recommendations</i>	
May 16	6:30 p.m.	Regular Meeting	Council Chambers
May 30	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Economic Development/Retail Strategy</i>	
May 30	6:30 p.m.	Regular Meeting	Council Chambers
Mon., June 11	6:30 p.m.	Regular Meeting	W-118 / 119 / 120
June 27	5:00 p.m.	<i>Joint Study Session w/Parks Commission</i>	W-120
		<i>Riparian Corridor issues</i>	
June 27	6:30 p.m.	Regular Meeting	Council Chambers
July 18	6:30 p.m.	Regular Meeting	Council Chambers
August 8	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Street Vacations and Easements</i>	
August 8	6:30 p.m.	Regular Meeting	Council Chambers
August 22	6:30 p.m.	Regular Meeting	Council Chambers
September 12	5:00 p.m.	<i>Study Session</i>	T-332
		<i>Process for Referring Development Projects to the SNI NACS</i>	
September 12	6:30 p.m.	Regular Meeting	Council Chambers
September 26	6:30 p.m.	Regular Meeting	Council Chambers
October 10	6:30 p.m.	Regular Meeting	Council Chambers
October 24	6:30 p.m.	Regular Meeting	Council Chambers
November 7	6:30 p.m.	Regular Meeting	Council Chambers
November 14	6:30 p.m.	Regular Meeting	Council Chambers
November 28	6:30 p.m.	Regular Meeting	Council Chambers
December 5	6:30 p.m.	Regular Meeting	Council Chambers

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.